



A33432 (070050.1354)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Modak *et al.* Conf. No.: 1401
Appln. No.: 09/746,670 Examiner: Carlos Azpuru
Filed : December 22, 2000 Art Unit: 1615
For: ANTIMICROBIAL MEDICAL DEVICES

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

I hereby certify that this paper is being deposited on January 23, 2006 with the United States Postal Service as Express Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450.

Kimberley A. Gavin
Agent for Applicants

51,723
Patent Reg. No.

Signature

January 23, 2006
Date of Signature

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further to the Information Disclosure Statement filed on October 28, 2002 and the Supplemental Information Disclosure Statements filed on July 9, 2003, November 11, 2003, and August 17, 2005, pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants respectfully request that the information presented in this Supplemental Information Disclosure Statement and on the accompanying PTO Form PTO 1449 be considered by the Examiner and made of record in the above-identified patent application.

U.S. Patent Documents

<u>Patent No.</u>	<u>Issue Date</u>	<u>Inventor</u>
4,605,564	08/12/86	Kulla et al.
4,723,950	02/09/88	Lee
4,994,047	02/19/91	Walker et al.
5,033,488	07/23/91	Curtis et al.
5,091,442	02/25/92	Milner
5,102,401	04/07/92	Lambert et al.
5,180,605	01/19/93	Milner
5,200,194	04/06/93	Edgren et al.
5,209,251	05/11/93	Curtis et al.
5,261,421	11/16/93	Milner
5,335,373	08/09/94	Dangman et al.
5,357,636	10/25/94	Dresdner, Jr. et al.
5,420,197	05/30/95	Lorenz et al.
5,567,495	10/22/96	Modak et al.
5,965,610	10/12/99	Modak et al.
6,224,579	05/01/01	Modak et al.
6,626,873	09/30/03	Modak et al.
6,872,195	03/29/05	Modak et al.

Foreign Patent Publications

<u>Patent No.</u>	<u>Publication Date</u>	<u>Country</u>
0328421	08/16/89	EP
0379271	07/25/90	EP
0472413	08/21/91	EP
9302717	02/18/93	WO
0663212	05/30/95	EP
11049625	02/23/99	JP (English Abstract attached)
0057933	10/05/00	WO

Other References

*Baker, 1987, in *Controlled Release of Biologically Active Agents*, John Wiley & Sons, pp. 175-177.

Choi L, Choudhri AF, Pillarisetty VG, Sampath LA, Caraos L, Brunnert SR, Oz MC, Modak SM. Development of an infection-resistant LVAD driveline: a novel approach to the prevention of device-related infections. *J. Heart Lung Transplant.* 1999 Nov;18 (11):1103-10.

Gaonkar TA, Sampath LA, Modak SM. Evaluation of the antimicrobial efficacy of urinary catheters impregnated with antiseptics in an in vitro urinary tract model. *Infect. Control Hosp. Epidemiol.* 2003 Jul;24 (7):506-13.

Kim CY, Kumar A, Sampath L, Sokol K, Modak S. Evaluation of an antimicrobial-impregnated continuous ambulatory peritoneal dialysis catheter for infection control in rats. *Am. J. Kidney Dis.* 2002 Jan;39 (1):165-73.

*Lelah and Cooper, 1986, Polyurethanes in Medicine, CRC Press, Inc., Fla., pp. 57-67.

Merck Index, An Encyclopedia of Chemicals, Drugs and Biologicals, 10th Ed. 1983, p. 1092.

Tambe SM, Sampath L, Modak SM. In vitro evaluation of the risk of developing bacterial resistance to antiseptics and antibiotics used in medical devices. *J. Antimicrob. Chemother.* 2001 May;47 (5):589-98.

References marked with an asterisk (*) were cited in the specification of the instant application and have not previously been made of record. The remaining references include U.S. Patent No. 6,872,195, issued March 29, 2005, by Modak *et al.*, references cited on the face of the '195 patent, and references cited in related and copending United States Patent Application No. 10/600,257, none of which have previously been made of record in the instant application.

This Supplemental Information Disclosure Statement is being filed together with a Request for Continued Examination in lieu of payment of the Issue Fee, due by February 7,

2006. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

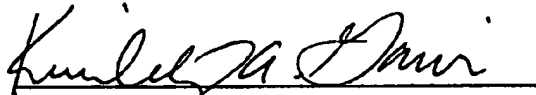
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited document(s) do not constitute "prior art" under United States law, applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Conclusion

Applicants have submitted the required fee for the Request for Continued Examination herewith. Applicants believe that no additional fee is due for the submission of this Supplemental Information Disclosure Statement. Should any additional fee be required, however, the Fee Transmittal (submitted herewith in duplicate) authorizes the Director to charge any such fee, or to credit any overpayment, to Deposit Account No. 02-4377.

Respectfully submitted,


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Agent for Applicants

Lisa B. Kole, Reg. No. 35,225
Attorney for Applicants

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Form-PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.: 070050.1354

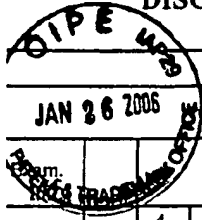
Serial No.: ~~10/746,670~~ 09/746,670

**SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT
BY APPLICANTS**

Applicants: Modak et al.

Filing Date: December 22, 2000

Group Art Unit: 1615



U.S. PATENT DOCUMENTS

Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
4 6 0 5 5 6 4	08/12/86	Kulla et al.	427	2.3	
4 7 2 3 9 5 0	02/09/88	Lee	604	322	
4 9 9 4 0 4 7	02/19/91	Walker et al.	604	264	
5 0 3 3 4 8 8	07/23/91	Curtis et al.	132	321	
5 0 9 1 4 4 2	02/25/92	Milner	523	122	
5 1 0 2 4 0 1	04/07/92	Lambert et al.	604	264	
5 1 8 0 6 0 5	01/19/93	Milner	427	2.3	
5 2 0 0 1 9 4	04/06/93	Edgren et al.	424	473	
5 2 0 9 2 5 1	05/11/93	Curtis et al.	132	321	
5 2 6 1 4 2 1	11/16/93	Milner	128	898	
5 3 3 5 3 7 3	08/09/94	Dangman et al.	2	161.7	
5 3 5 7 6 3 6	10/25/94	Dresdner, Jr. et al.	2	161.7	
5 4 2 0 1 9 7	05/30/95	Lorenz et al.	525	54.3	
5 5 6 7 4 9 5	10/22/96	Modak et al	248	36.9	
5 9 6 5 6 1 0	10/12/99	Modak et al .	514	494	
6 2 2 4 5 7 9	05/01/01	Modak et al.	604	265	
6 6 2 6 8 7 3	09/30/03	Modak et al.	604	265	
6 8 7 2 1 9 5	03/29/05	Modak et al.	604	265	

Examiner

Date Considered

Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Y02:538050.1

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.: 070050.1354

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FOREIGN PATENT DOCUMENT

		Document No.							Date	Country	Class	SubClass	Translator	
		0	3	2	8	4	2	1					Yes	No
		0	3	2	8	4	2	1	08/16/89	EP				
		0	3	7	9	2	7	1	07/25/90	EP				
		0	4	7	2	4	1	3	08/21/91	EP				
		9	3	0	2	7	1	7	02/18/93	WO				
		0	6	6	3	2	1	2	05/30/95	EP				
1	1	0	4	9	6	2	5		02/23/99	JP (English Abstract attached)				
		0	0	5	7	9	3	3	10/05/00	WO				

OTHER DOCUMENTS (including Author, Title Date, Pertinent Pages, Etc.)

		Baker, in Controlled Release of Biologically Active Agents, John Wiley & Sons, 1987, pp. 175-177.
		Choi L, Choudhri AF, Pillarisetty VG, Sampath LA, Caraos L, Brunnert SR, Oz MC, Modak SM. Development of an infection-resistant LVAD driveline: a novel approach to the prevention of device-related infections. <i>J. Heart Lung Transplant.</i> 1999 Nov;18 (11):1103-10.
		Gaonkar TA, Sampath LA, Modak SM. Evaluation of the antimicrobial efficacy of urinary catheters impregnated with antiseptics in an in vitro urinary tract model. <i>Infect Control Hosp Epidemiol.</i> 2003 Jul;24 (7):506-13.
		Kim CY, Kumar A, Sampath L, Sokol K, Modak S. Evaluation of an antimicrobial-impregnated continuous ambulatory peritoneal dialysis catheter for infection control in rats. <i>Am. J. Kidney Dis.</i> 2002 Jan;39 (1):165-73.
		Lelah and Cooper, 1986, Polyurethanes in Medicine, CRC Press, Inc., FL., pp. 57-67.
		The Merck Index, An Encyclopedia of Chemicals, Drugs and Biologicals, Tenth Edition Merck & Co., Inc., Rahway, NJ, 1983, p. 1092.

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